

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: VALSARTAN, LOSARTAN, AND
IRBESARTAN PRODUCTS LIABILITY
LITIGATION

NO. 1:19-MD-2875-RBK

**SUPPLEMENTAL EXPERT DECLARATION OF RENA CONTI, PH.D.
UPDATED CALCULATION OF THEORIES OF LIABILITY DAMAGES AND UNJUST
ENRICHMENT DAMAGES**

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1. Plaintiffs' Counsel in this matter has provided me additional data from the Defendant Retailers Kroger, Optum Rx, Rite-Aid, Walgreens, and Walmart, and asked that I incorporate this data in my calculation of damages incurred by the Class of consumers. All assumptions, methodologies, and damage categories described in my original report¹ remain the same. In addition, all Manufacturer damage calculations remain unchanged, as do all calculations for the Defendant Retailers not listed above, namely, Albertsons, CVS, and Express Scripts.
2. As described in my original report, I calculated Defendant Retailer theories of liability damages and unjust enrichment damages using Defendant Retailer pharmacy claims data.² Since performing the analyses presented in my original report, I have received additional retailer claims data. These new files, included in the updated calculations presented in this supplemental report, comprise the following: Kroger sales data on a small number of additional NDCs from 2013-2019,³ Optum Rx claims data from 2019,⁴ Rite-Aid claims data from 2013-2019,⁵ Walgreens claims data from 2018,⁶ and Walmart claims data from 2011-2019.⁷ I have updated my calculations of the relevant Retailer theories of liability damages and unjust enrichment

¹ See Expert Report of Rena Conti, Ph.D., *in this matter*, November 11, 2021 (hereafter, "my original report").

² See my original report, ¶ 78.

³ [KROG-000861 Restricted Confidential Information] Valsartan Sales - RFP 5 Supplement.xlsx.

⁴ Valsartan_Dispensing_Data_2019.xlsx.

⁵ Valsartan Sold Prescriptions RAD 2012 through 2019 (Supplemental NDC List).xlsx; Valsartan Sold Prescriptions RAD 2016 April.xlsx; Valsartan Sold Prescriptions RAD 2016 May.xlsx; Valsartan Sold Prescriptions RAD 2016 June.xlsx; Valsartan Sold Prescriptions RAD 2019Q1-2019Q4.xlsx.

⁶ 000010_WALGREENS0001132.xlsx.

⁷ 000114_Original1990439-n01.txt.

damages to include the additional at-issue Valsartan product claims contained in these files.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3. In Supplemental Table 2, I present deduplicated, aggregate damages across both theories of liability for the Defendant Retailers. In Supplemental Table 3, I present deduplicated, aggregate unjust enrichment damages for the Defendant Retailers. These Tables are intended to replace the corresponding Tables in my original report.

8 [REDACTED]

9 [REDACTED]

Supplemental Table 2
Aggregate Retailer Damages Across Both Theories of Liability¹⁰

A treemap visualization illustrating the relationship between Manufacturer Groups and Consumer Damages. The chart is divided into two main sections: 'Manufacturer Groups' on the left and 'Consumer Damages' on the right. The 'Manufacturer Groups' section contains several large black rectangular blocks of varying sizes, representing different manufacturer categories. The 'Consumer Damages' section contains several white rectangular blocks of varying sizes, representing different types of consumer damages. The sizes of the blocks correspond to their relative proportions or values within the respective categories.

Supplemental Table 3
Aggregate Retailer Unjust Enrichment Damages

A treemap visualization illustrating the relationship between Manufacturer Groups and Consumer Damages. The chart is divided into two main vertical sections: 'Manufacturer Groups' on the left and 'Consumer Damages' on the right. The 'Manufacturer Groups' section contains several large black rectangular blocks of varying widths, representing different manufacturer categories. The 'Consumer Damages' section contains several large black rectangular blocks of varying widths, representing different types of consumer damages. The sizes of the blocks correspond to their relative proportions or values within the respective categories.

A horizontal bar chart comparing the percentage of patients with various types of cancer who received immunotherapy. The y-axis lists cancer types, and the x-axis shows the percentage from 0% to 100%. Immunotherapy usage is highest for melanoma and non-Hodgkin lymphoma.

Cancer Type	Percentage of Patients Receiving Immunotherapy
Non-Hodgkin lymphoma	~95%
Melanoma	~95%
Small cell lung cancer	~90%
Renal cell carcinoma	~85%
Colorectal cancer	~80%
Ovarian cancer	~75%
Stomach cancer	~70%
Esophageal cancer	~65%
Bladder cancer	~60%
Head and neck cancer	~55%
Pancreatic cancer	~50%
Breast cancer	~45%

4. I provide a breakdown of the updated Retailer damages by state for each Theory of Liability and for Unjust Enrichment in Attachments G, H, and I. These Attachments are intended to replace the corresponding Attachments presented in my original report. All other Attachments presented in my original report remain unchanged, so I do not reproduce them here.

Rena Conti

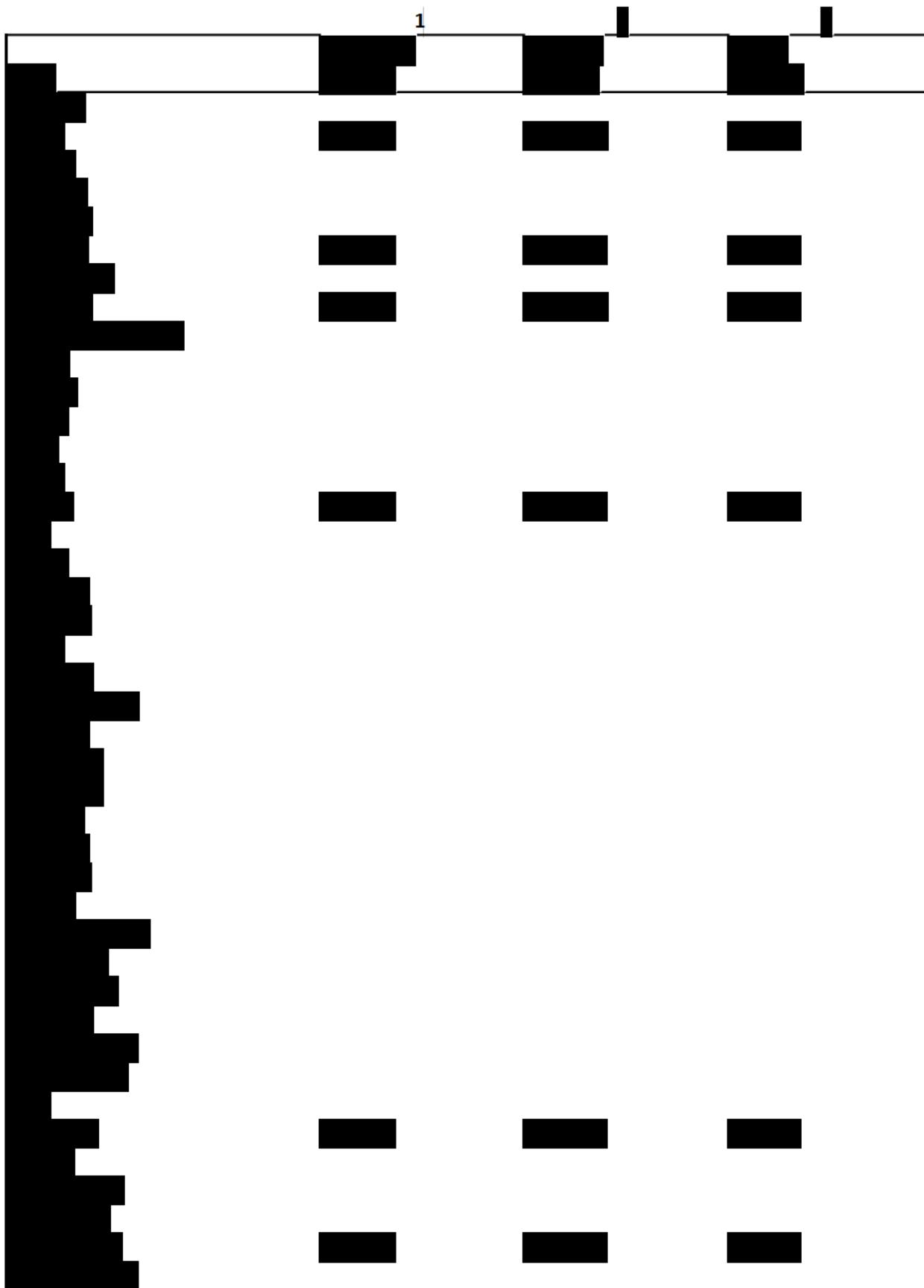
Rena Conti

March 31, 2022

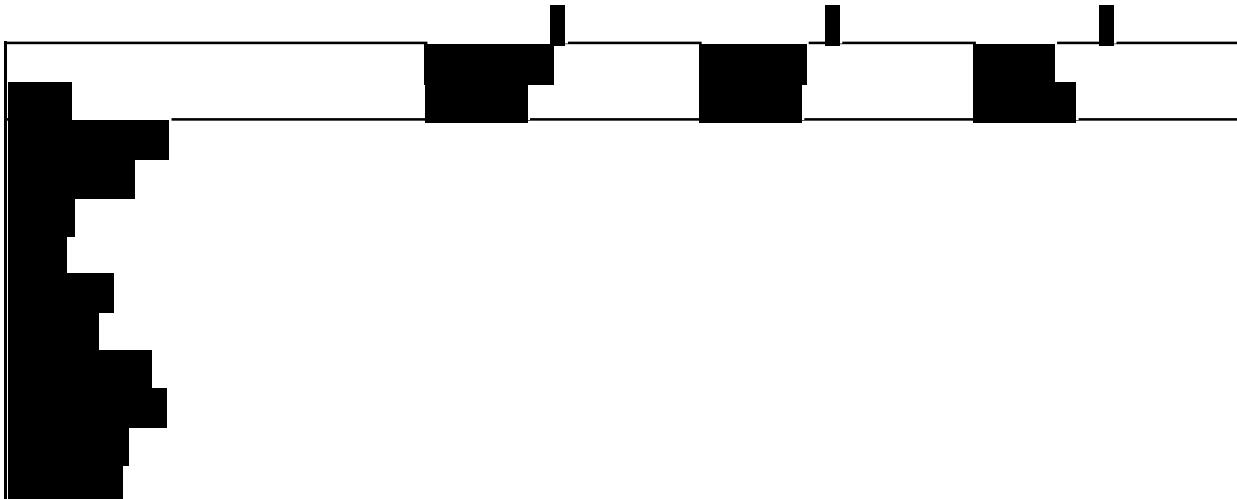
Term	Percentage (%)
Climate change	98
Global warming	97
Green energy	95
Sustainable development	93
Environmental protection	92
Ecology	90

ATTACHMENT G

Attachment G.1, [REDACTED]



Attachment G.1, [REDACTED]



Attachment G.2,

The figure displays a treemap visualization of state budgets for two entities, labeled 1 and 2. The total budget for both entities is \$0. Entity 1 has a budget of \$1, and Entity 2 has a budget of \$2. The budget is broken down into several categories, each represented by a black rectangle. The categories for Entity 1 are: Health (\$0.4), Education (\$0.3), Transportation (\$0.2), and Other (\$0.1). The categories for Entity 2 are: Health (\$0.8), Education (\$0.4), Transportation (\$0.2), and Other (\$0.1).

Entity	Category	Budget (\$)
Entity 1	Health	0.4
	Education	0.3
	Transportation	0.2
	Other	0.1
Entity 2	Health	0.8
	Education	0.4
	Transportation	0.2
	Other	0.1

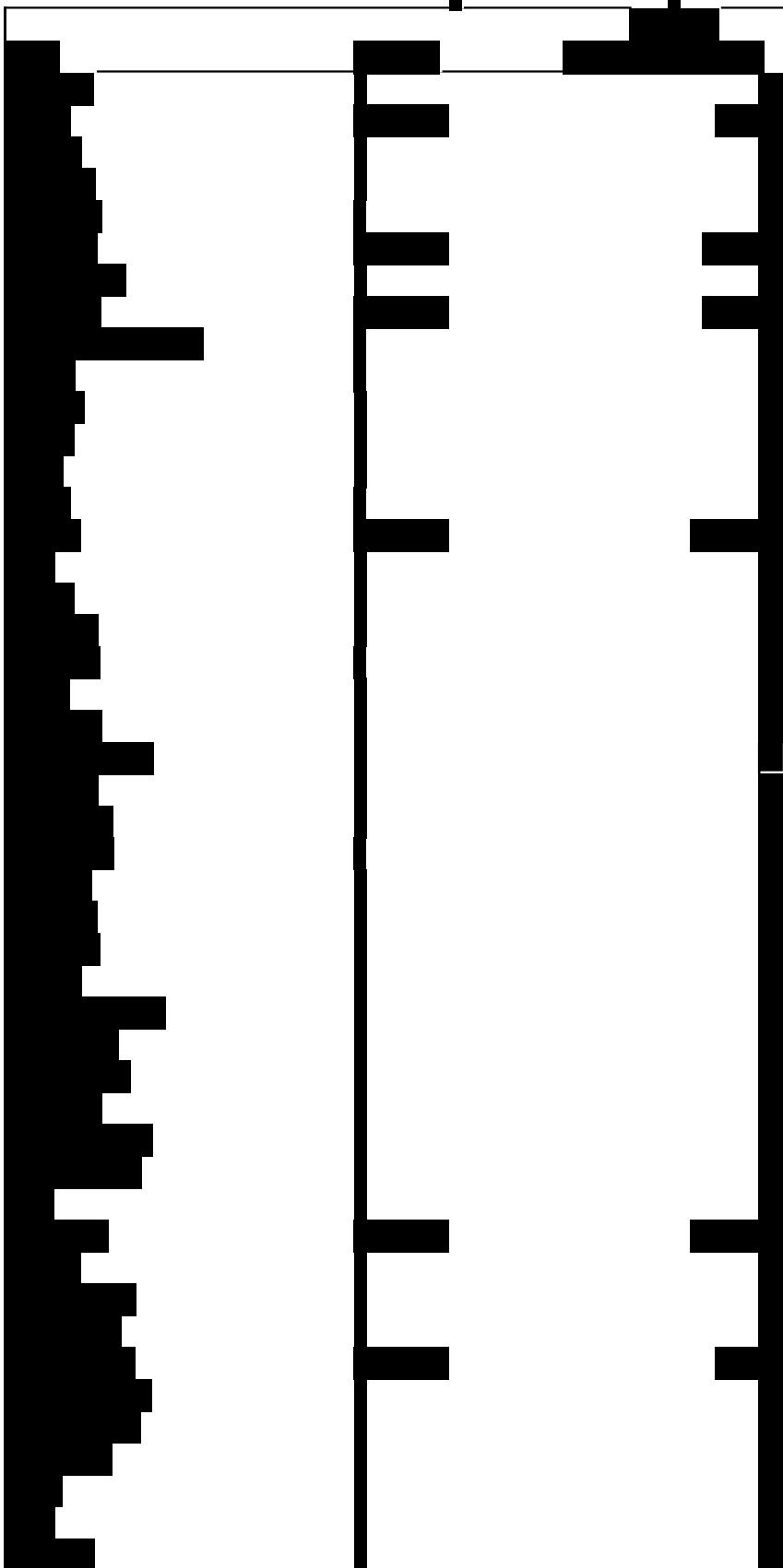
Attachment G.2, [REDACTED]

State	Subclass	1	2
		Walgreens	Consumer Damages
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

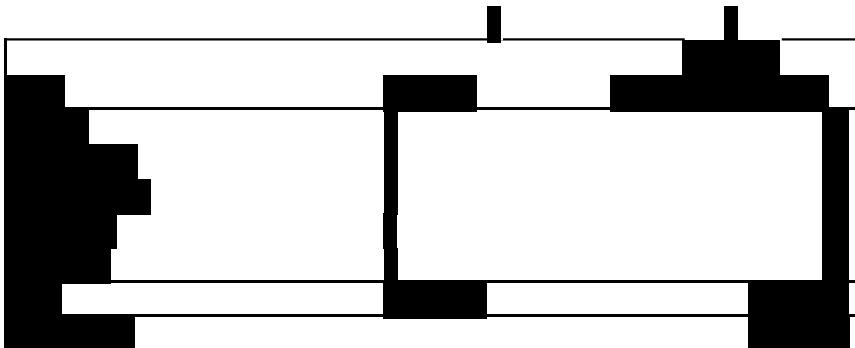
Notes

[REDACTED]

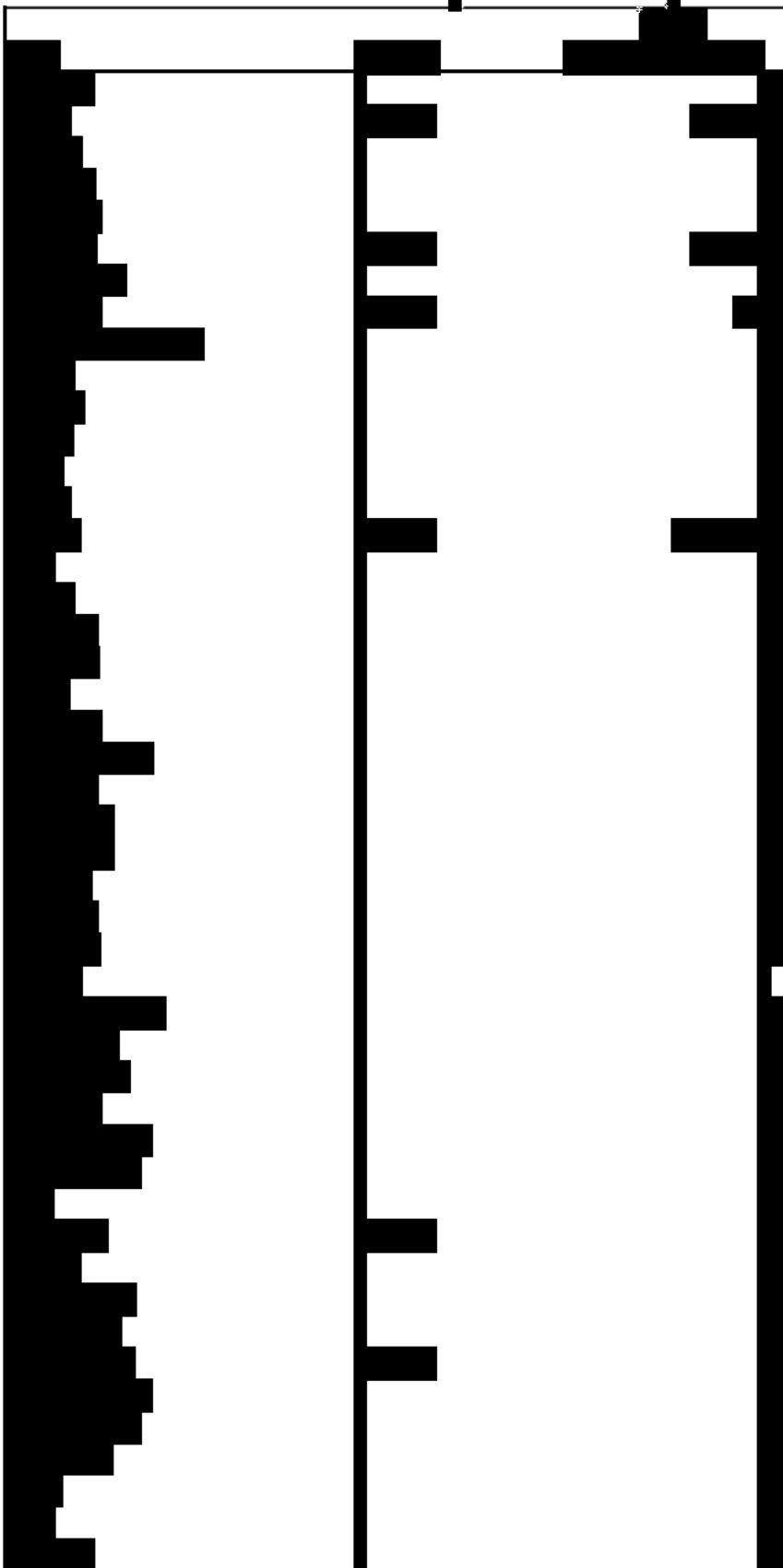
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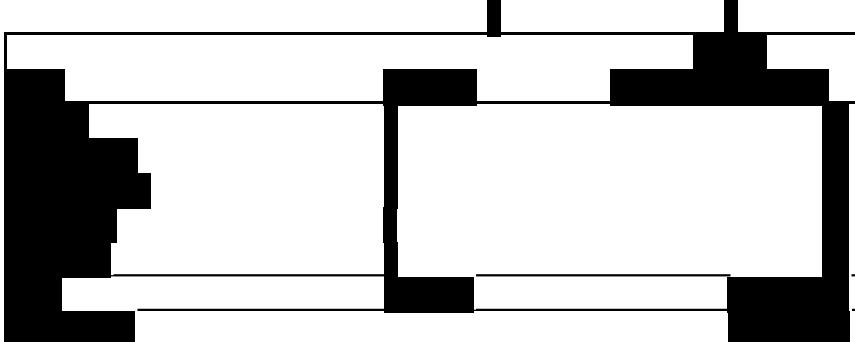
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Attachment G.4, [REDACTED]



Attachment G.4 [REDACTED]



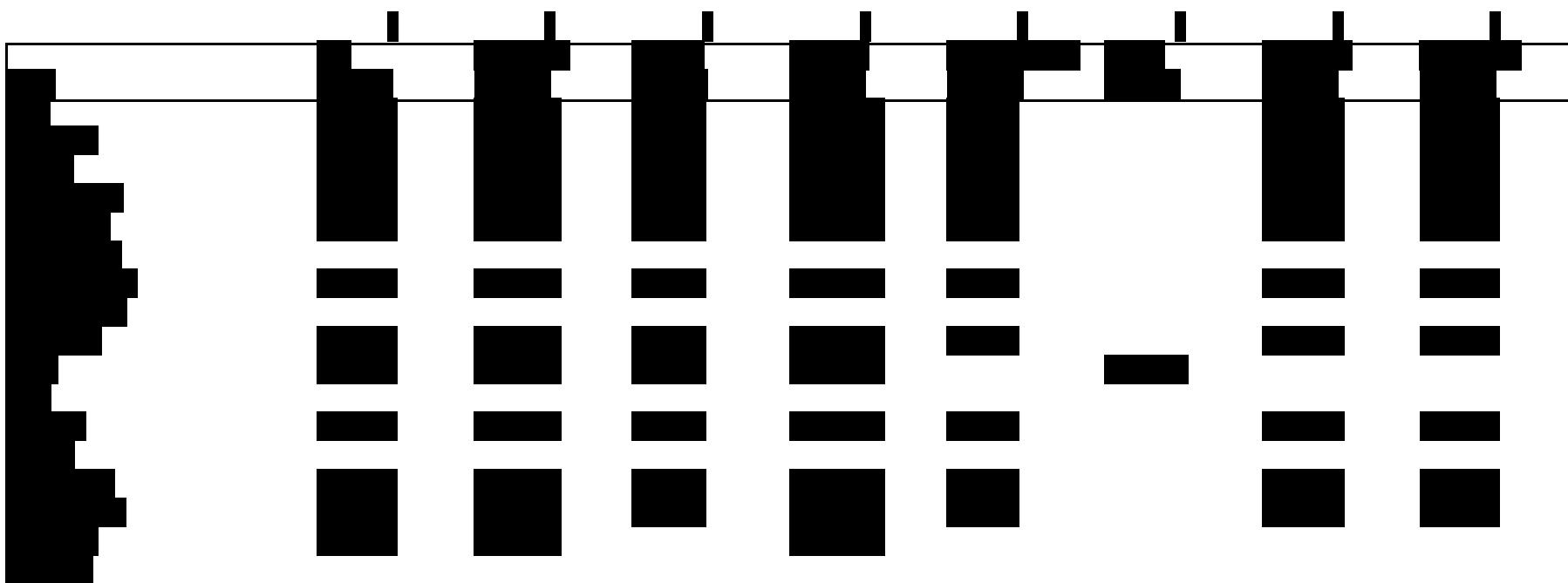
[REDACTED]

ATTACHMENT H

Attachment H.1,

A phylogenetic tree diagram illustrating the relationships between various samples. The tree is rooted on the left and branches to the right. A long vertical bar on the left side is labeled "Montana". The tree has several main clades, some of which are highlighted with black boxes. The tips of the tree are represented by small black rectangles.

Attachment H.1, [REDACTED]

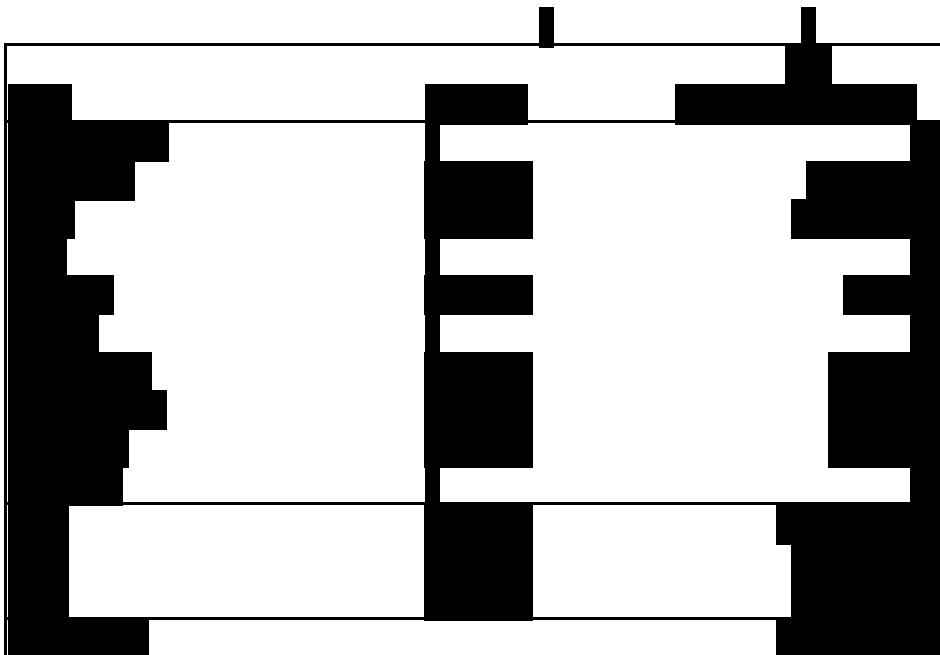


[REDACTED]
[REDACTED]

Attachment H.2, [REDACTED]



Attachment H.2, [REDACTED]

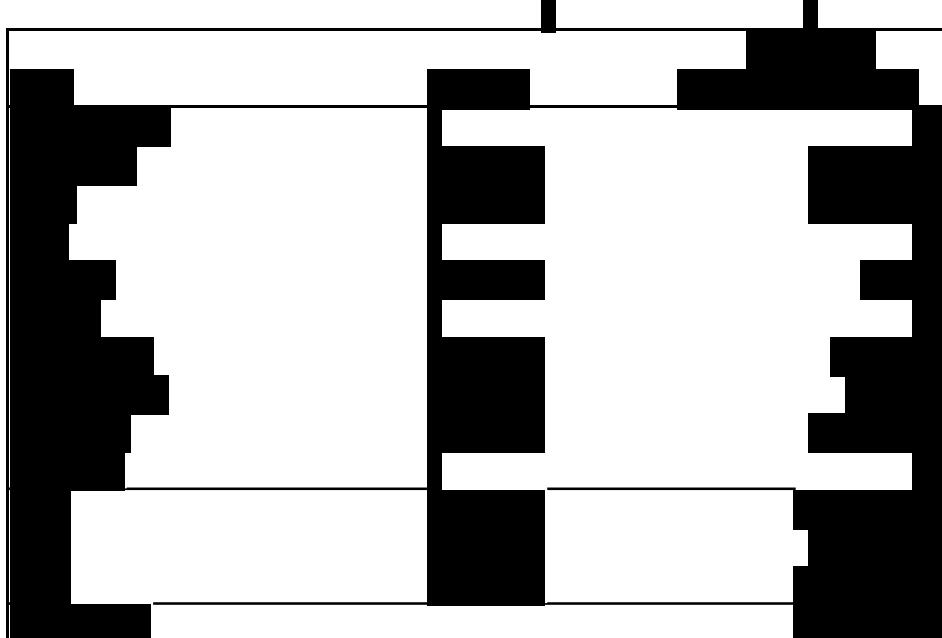


[REDACTED]

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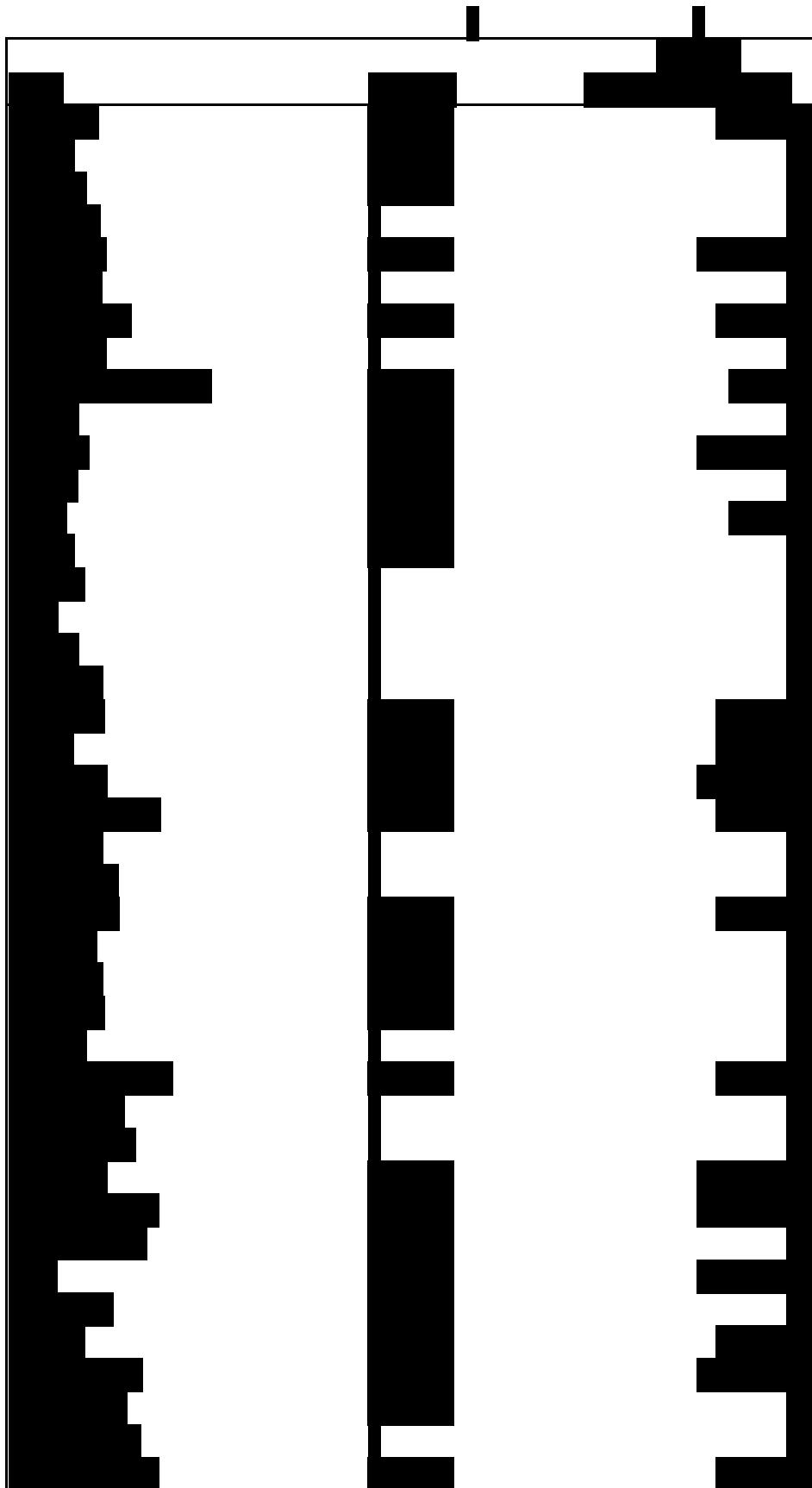


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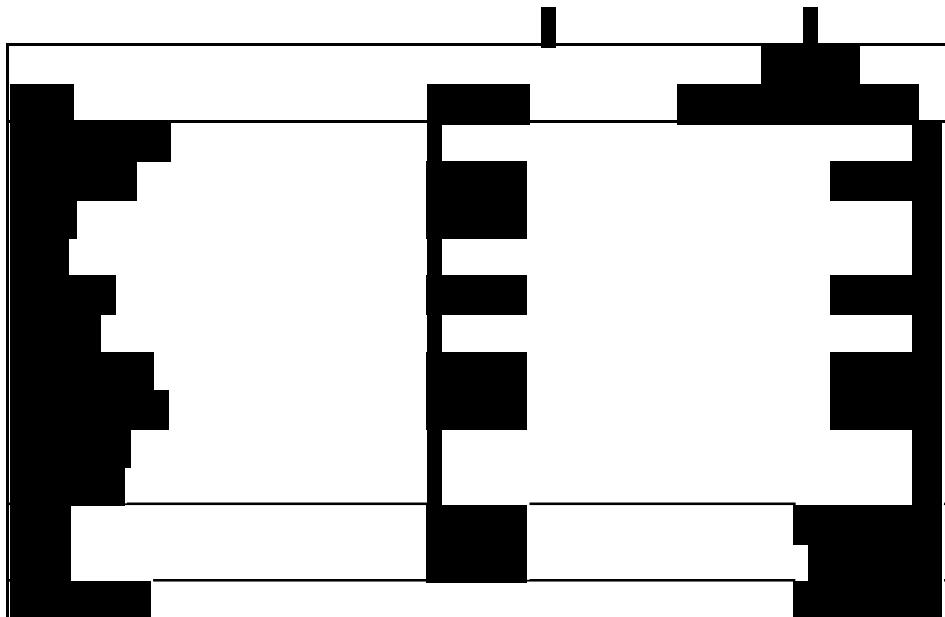


[REDACTED]

Attachment H.4, [REDACTED]

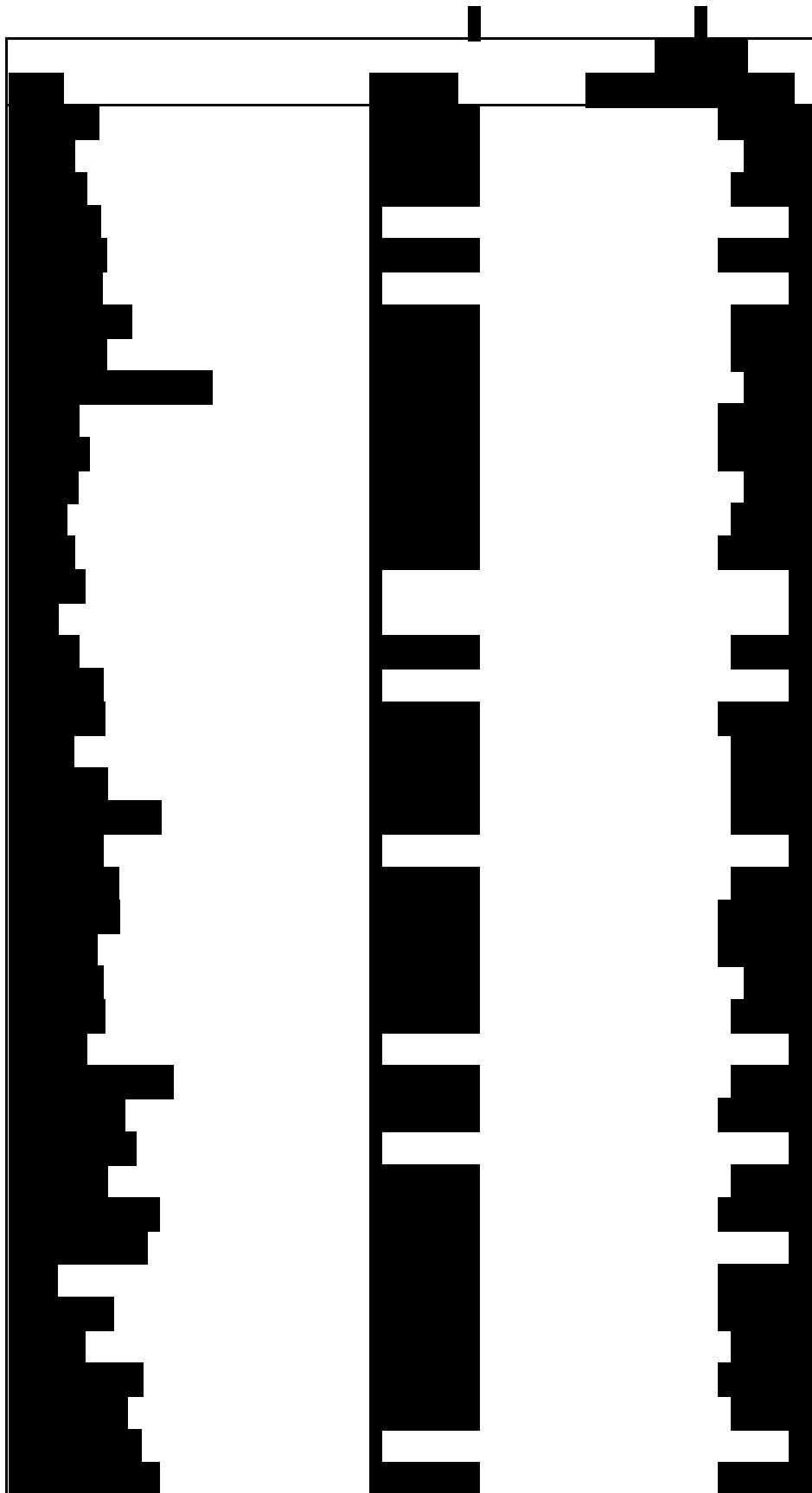


Attachment H.4, [REDACTED]

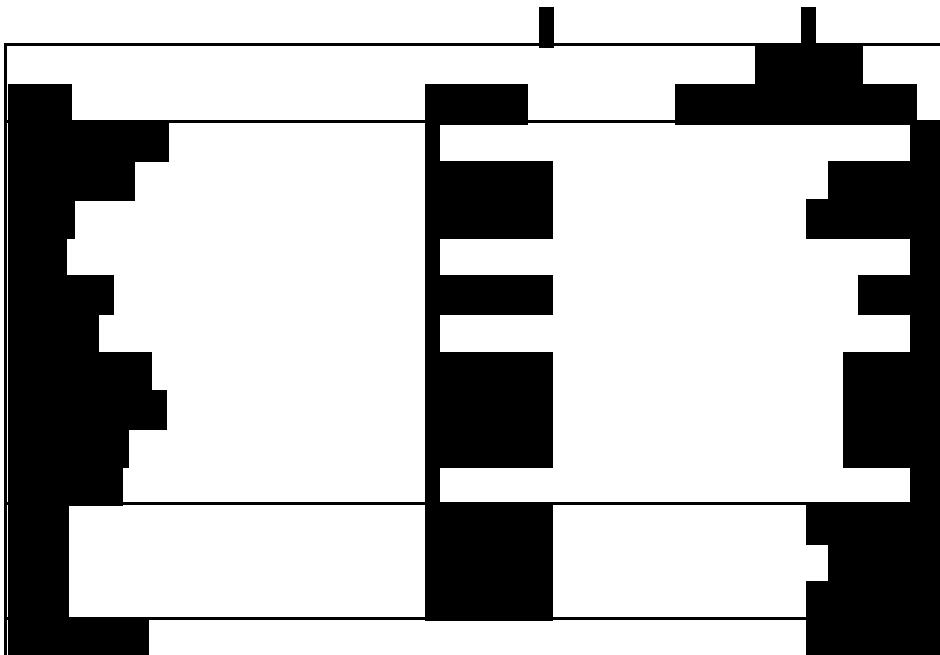


[REDACTED]

Attachment H.5, [REDACTED]

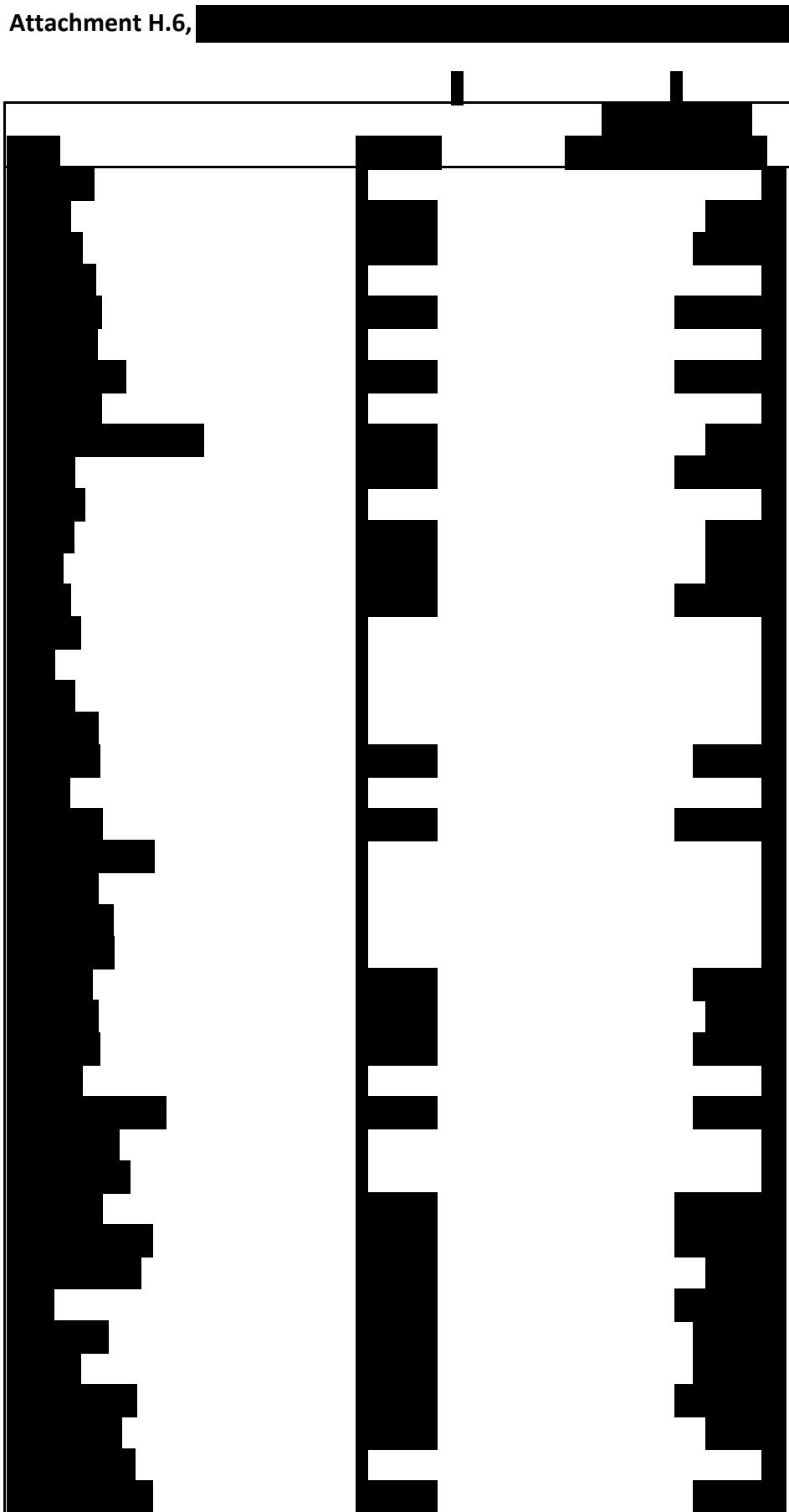


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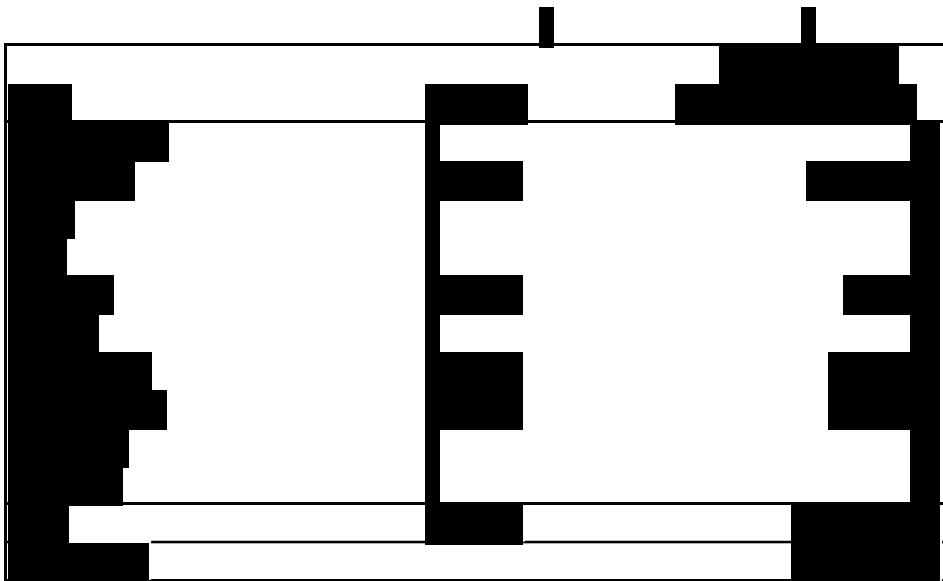


[REDACTED]

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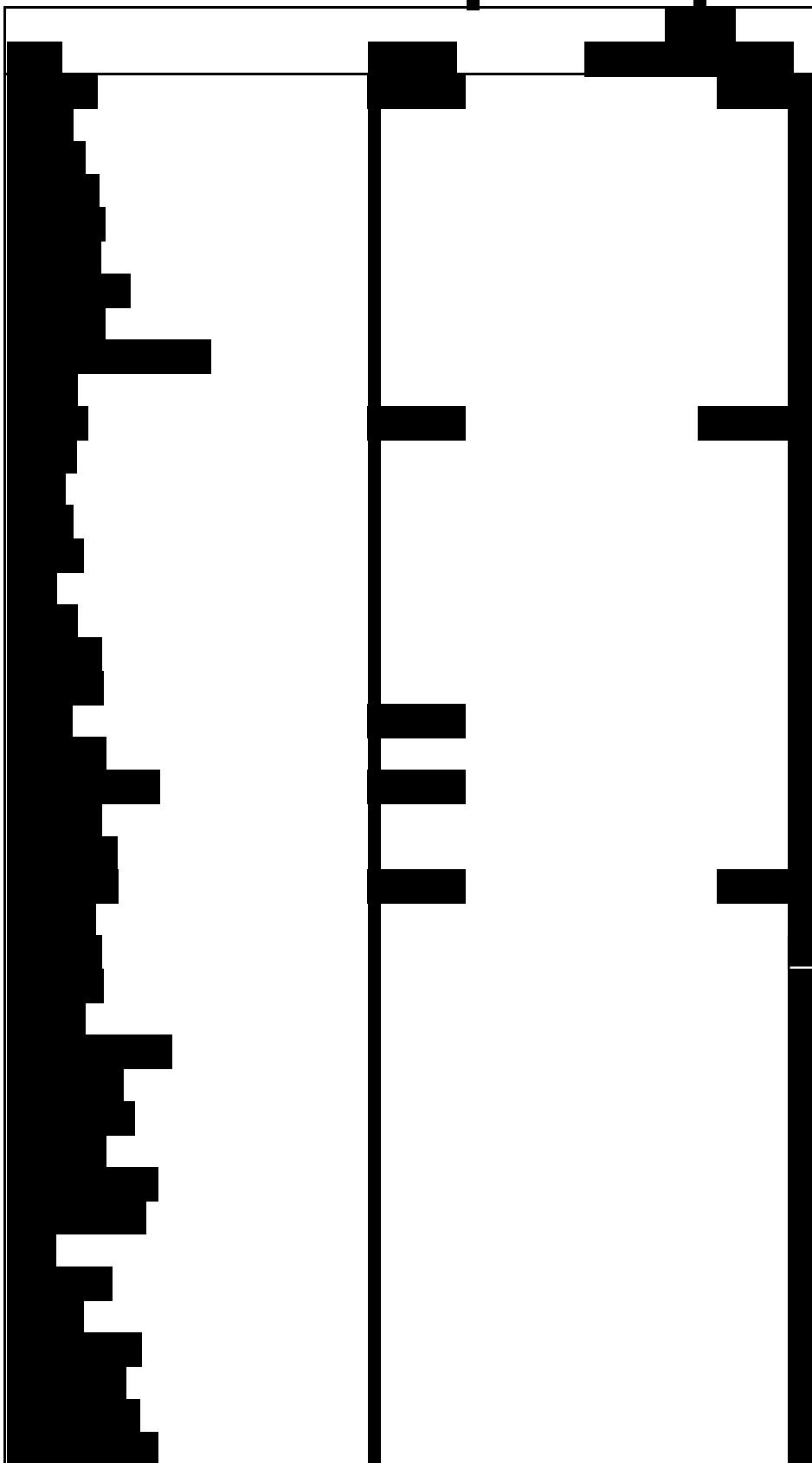


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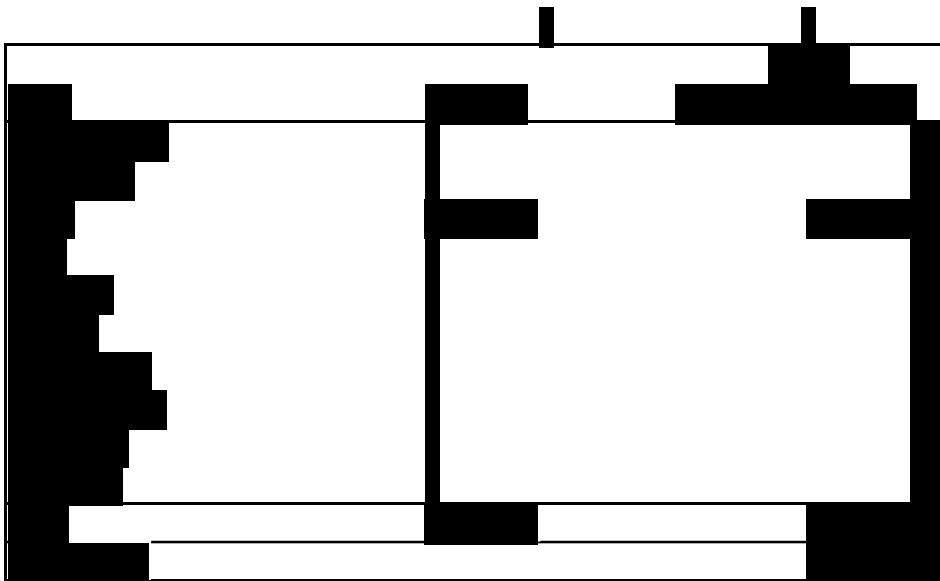


[REDACTED].

Attachment H.7, [REDACTED]

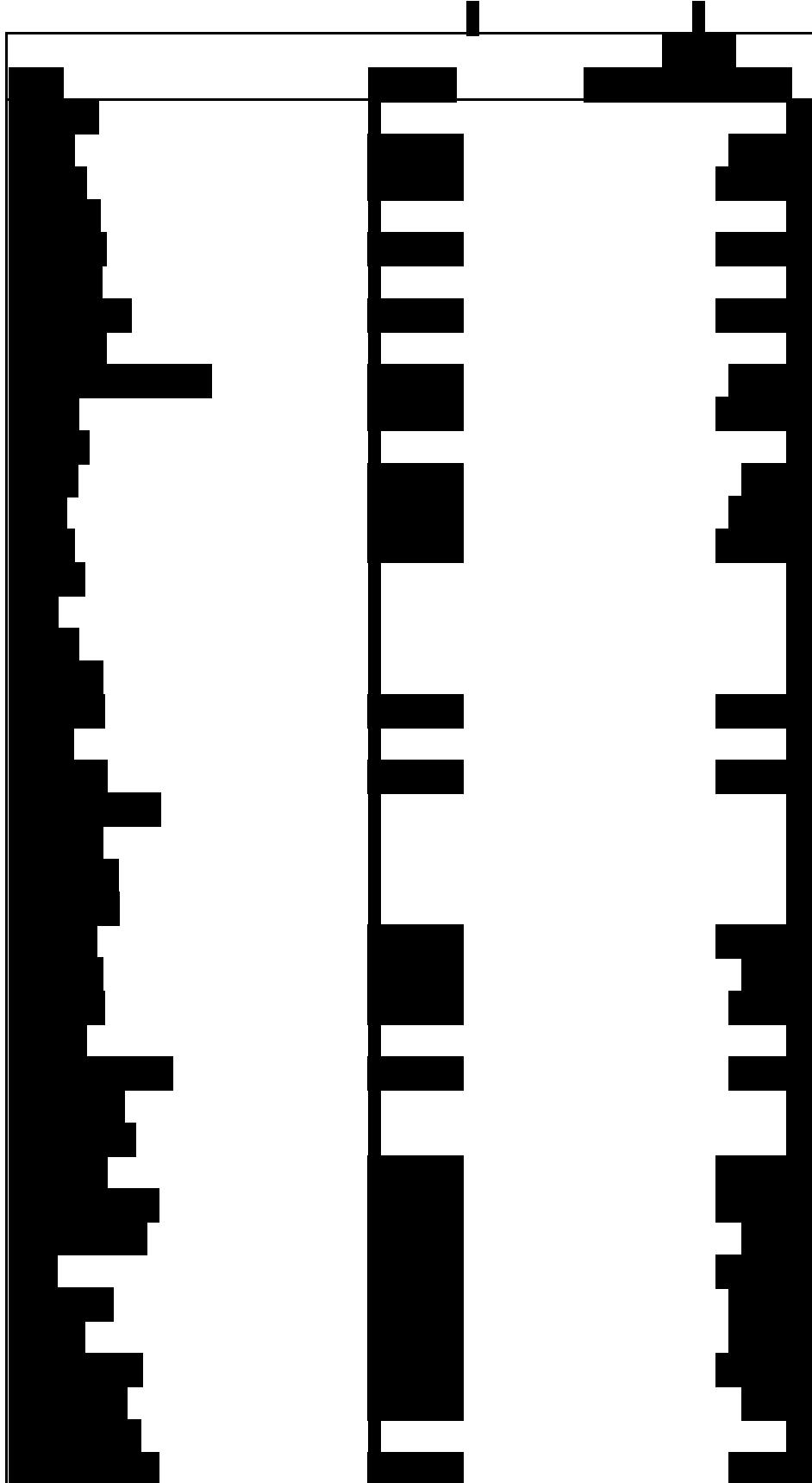


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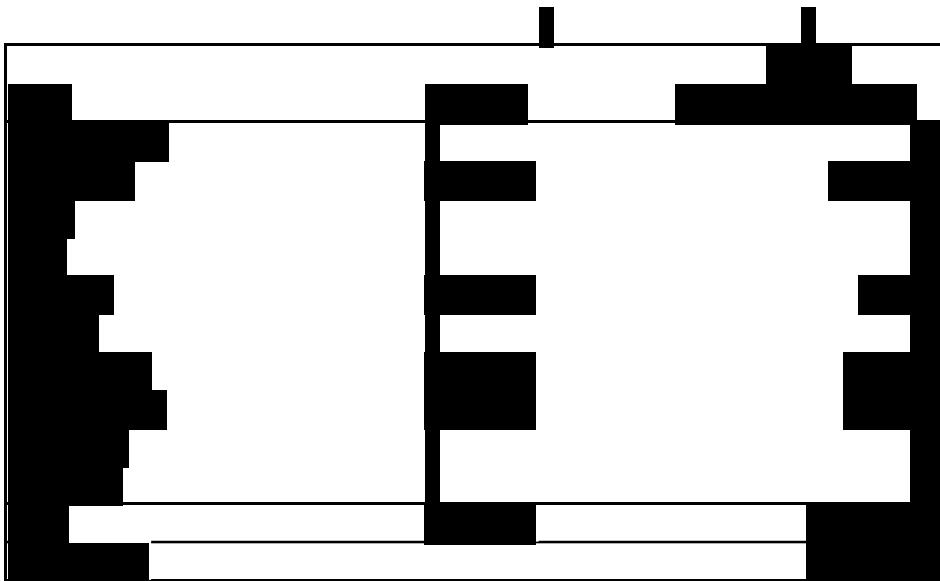


[REDACTED]

Attachment H.8, [REDACTED]



Attachment H.8, [REDACTED]

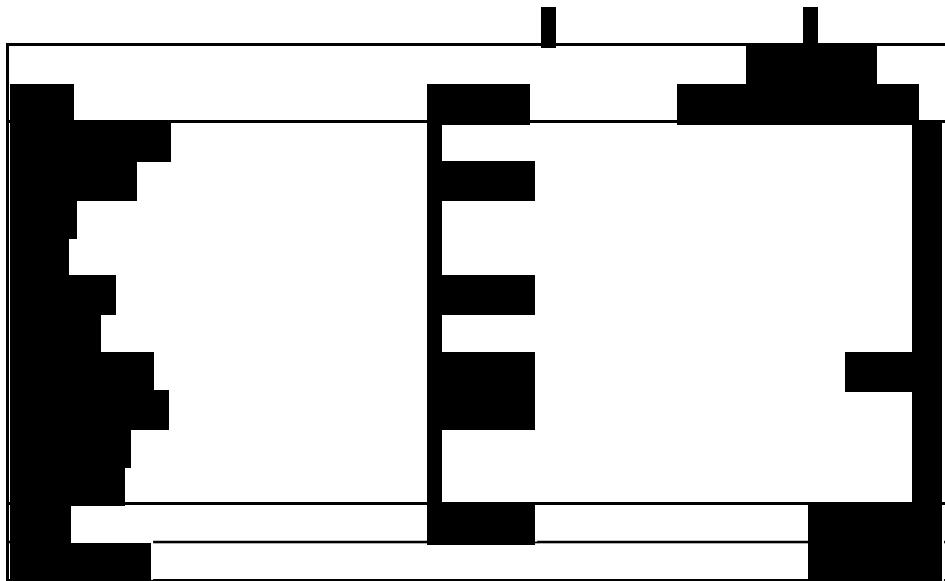


[REDACTED]

Attachment H.9, [REDACTED]



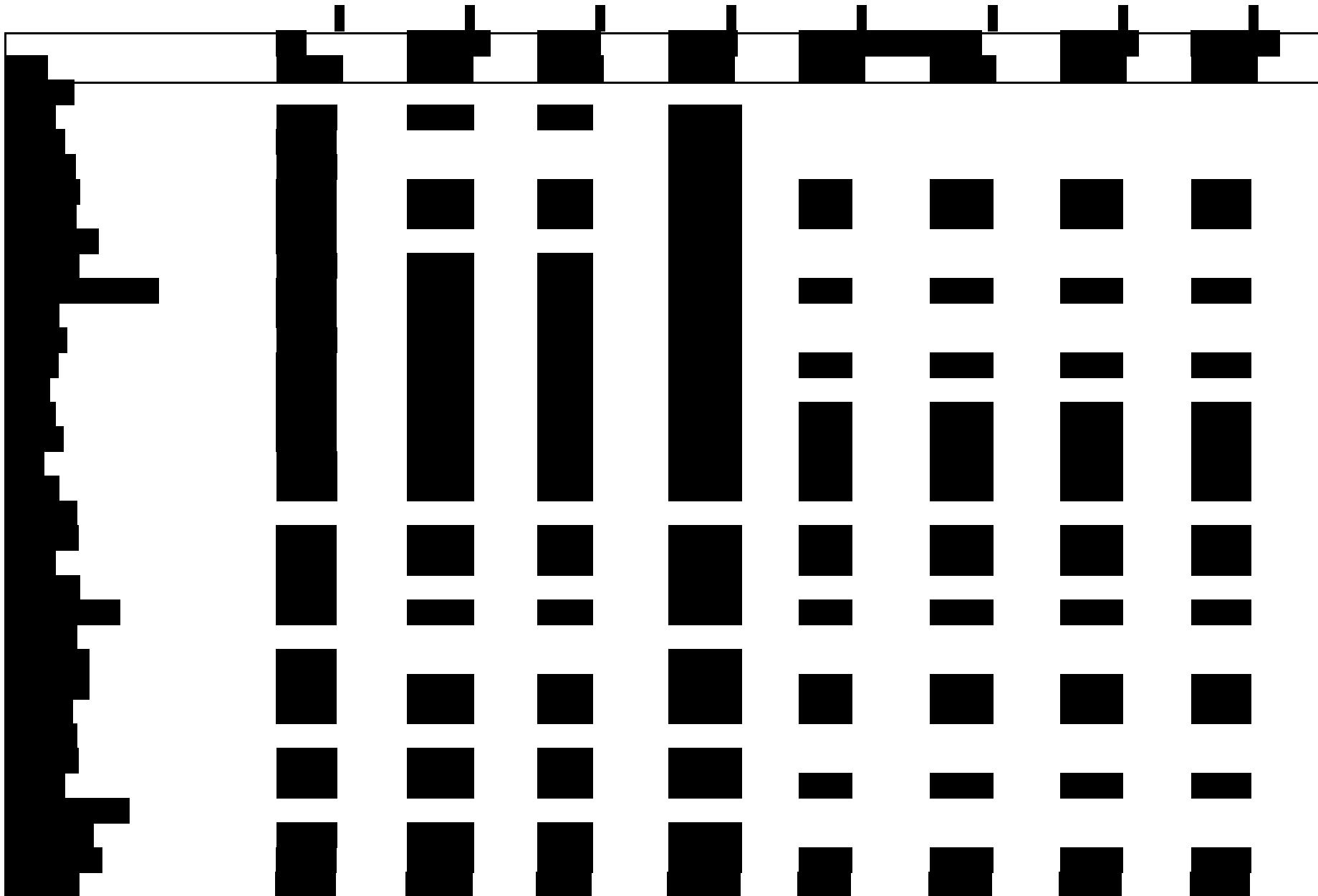
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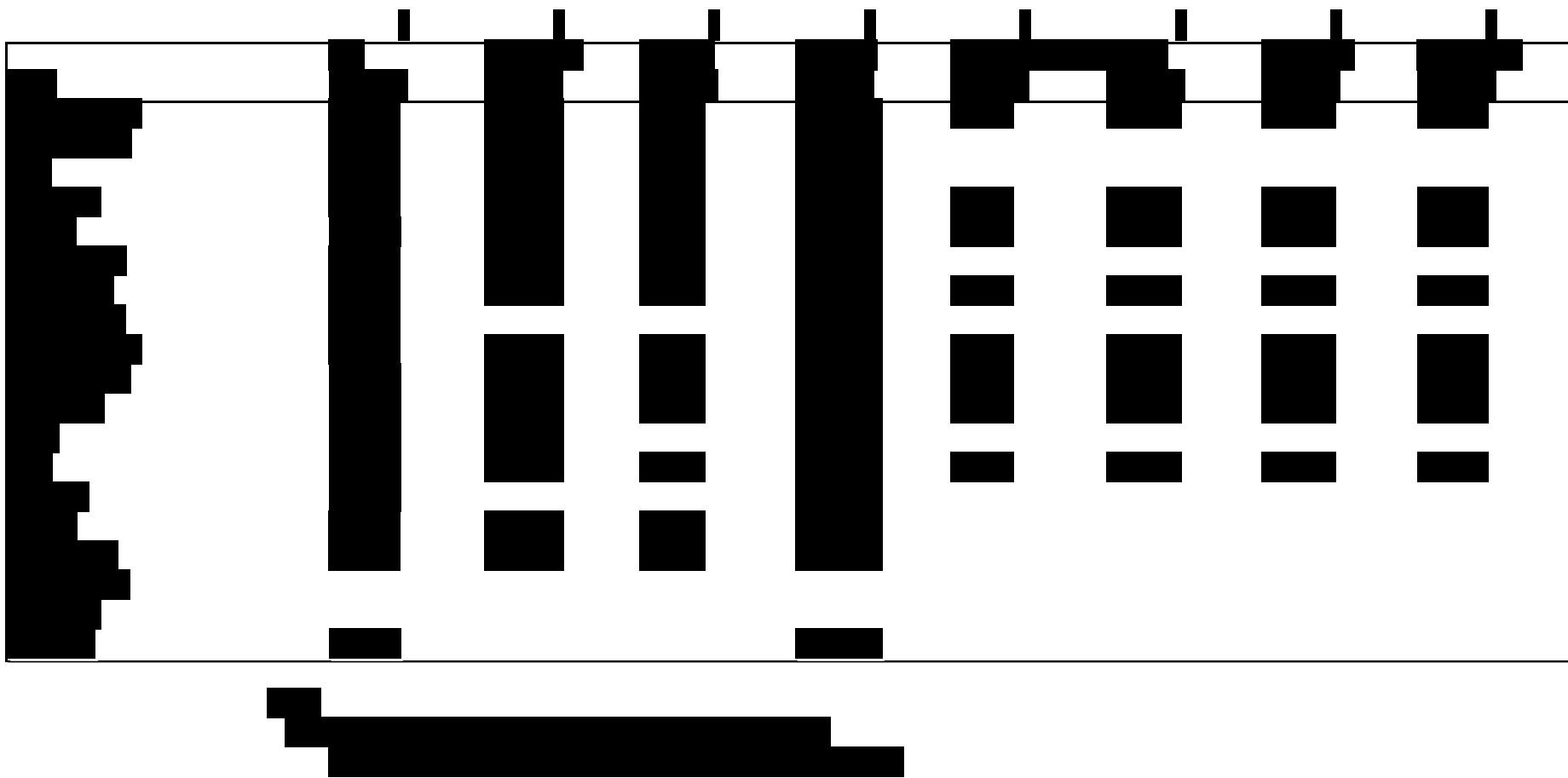
[REDACTED]

ATTACHMENT I

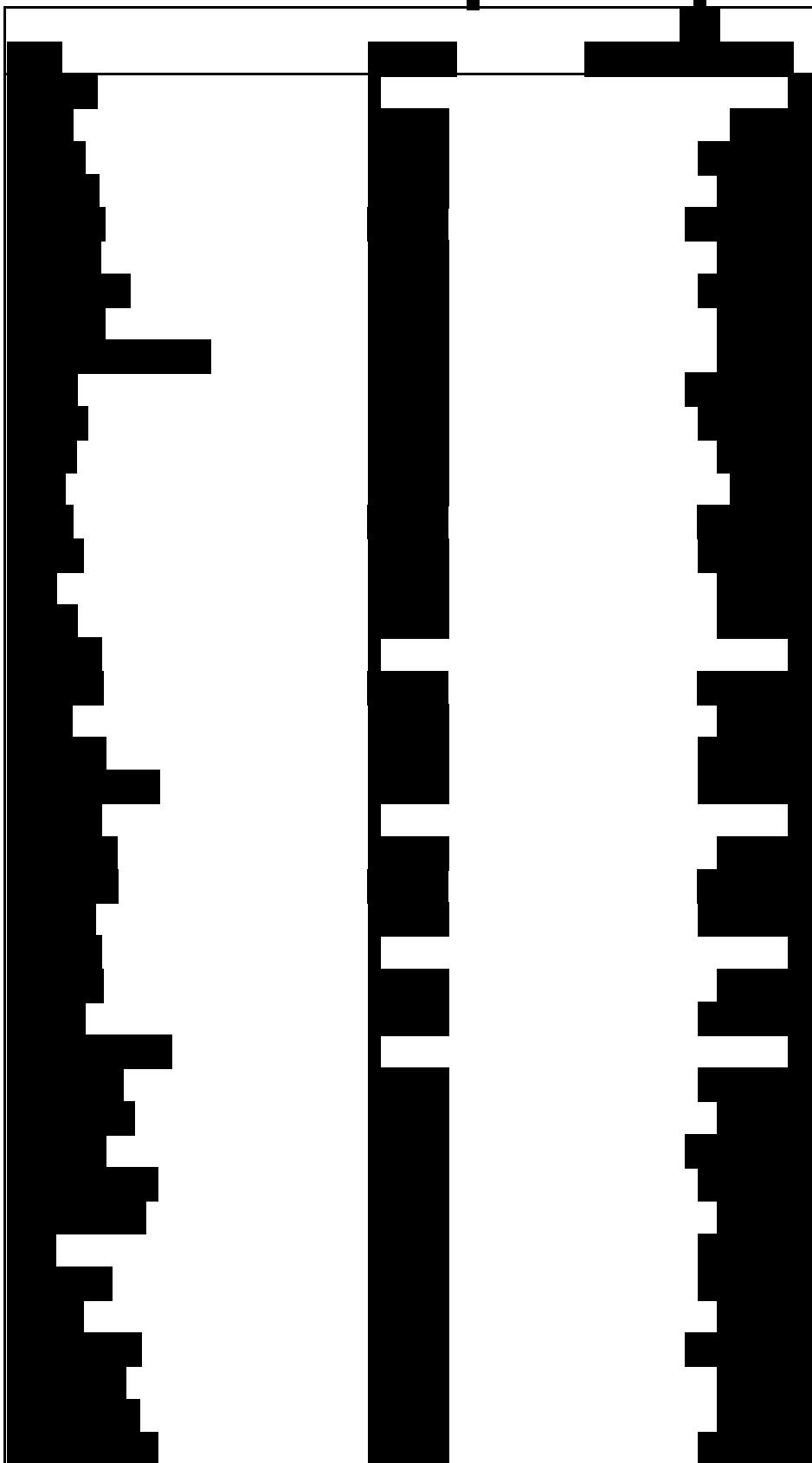
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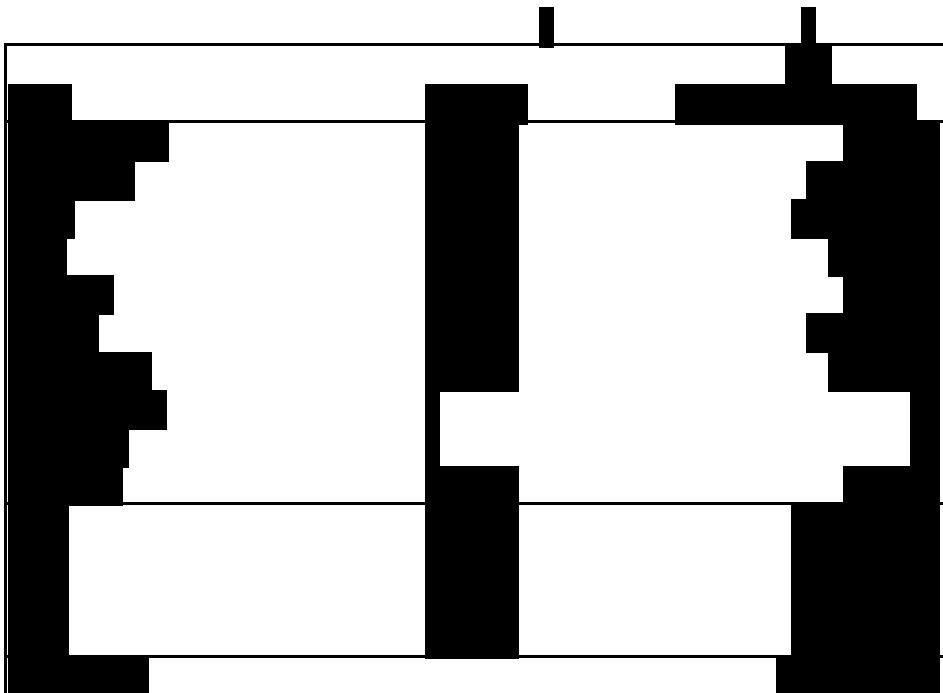
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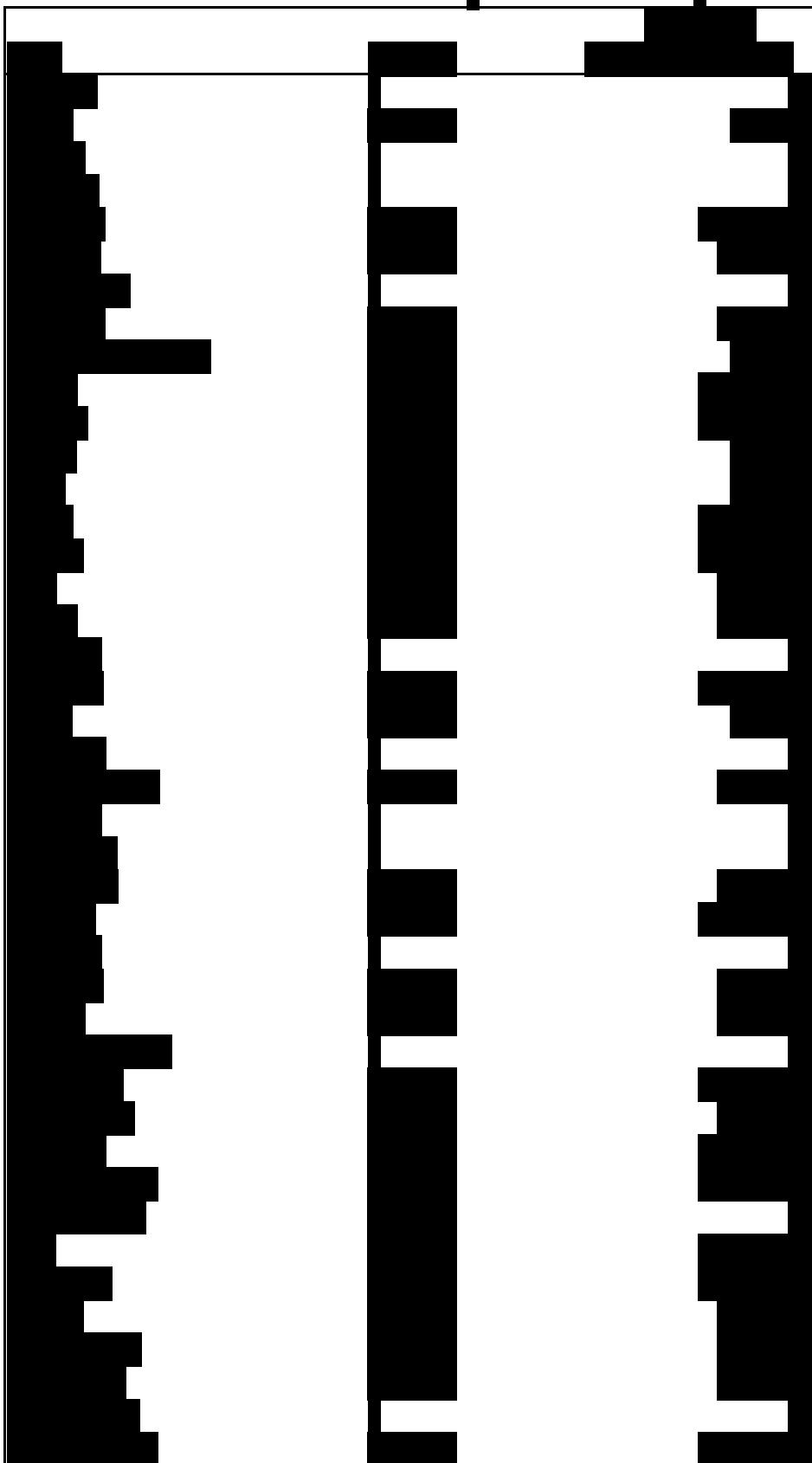


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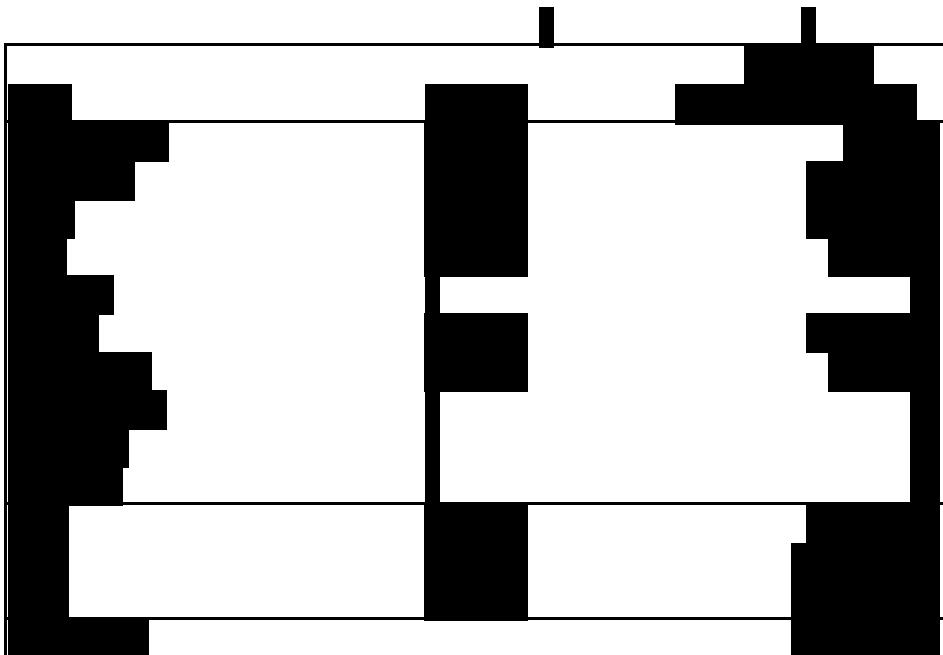


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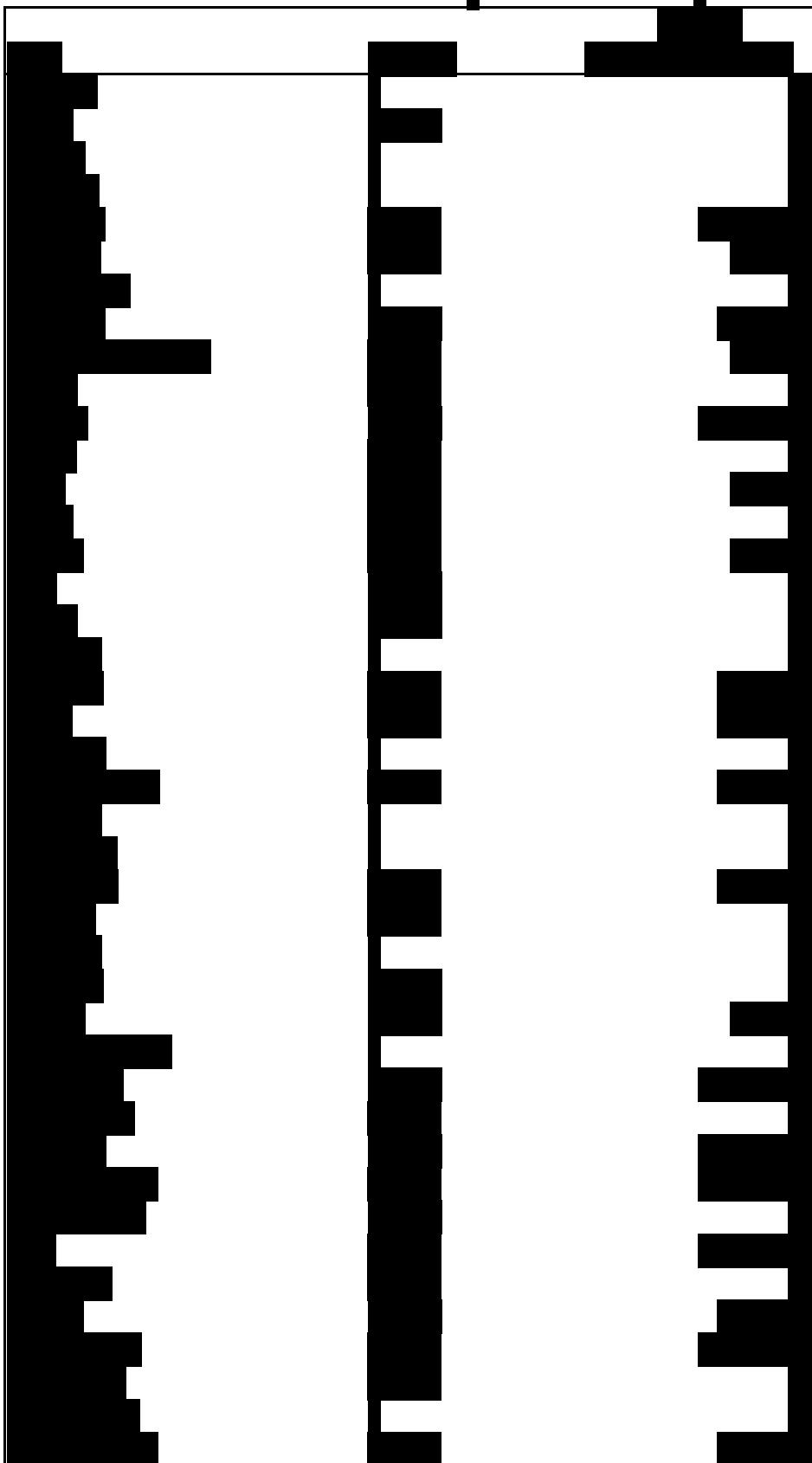


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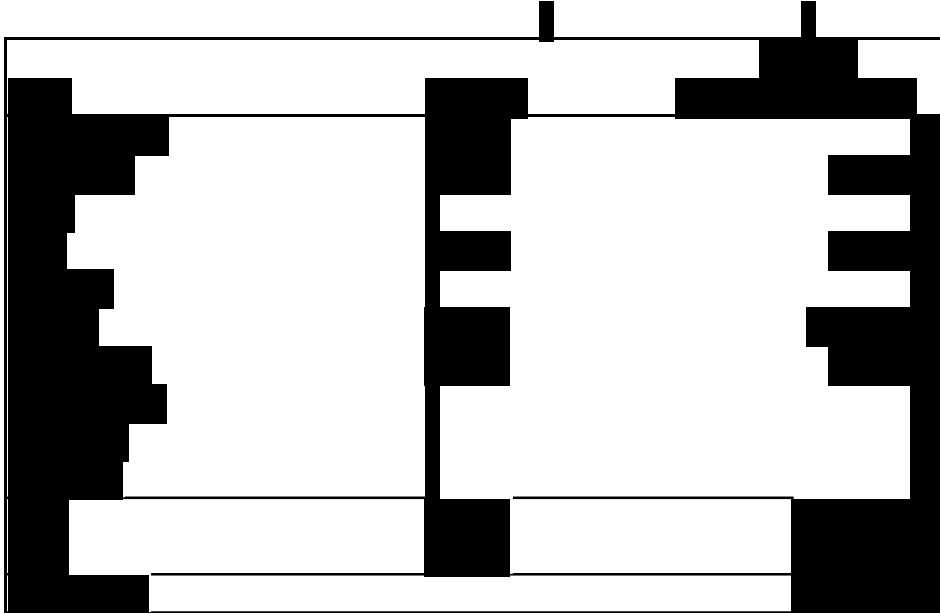


[REDACTED]

Attachment I.4, [REDACTED]



Attachment I.4, [REDACTED]

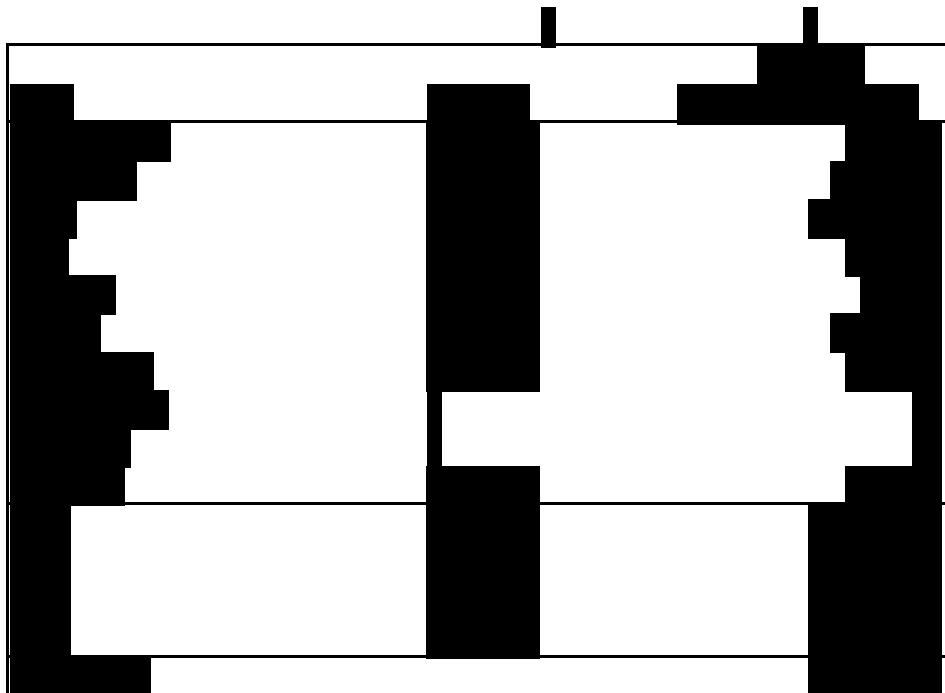


[REDACTED]
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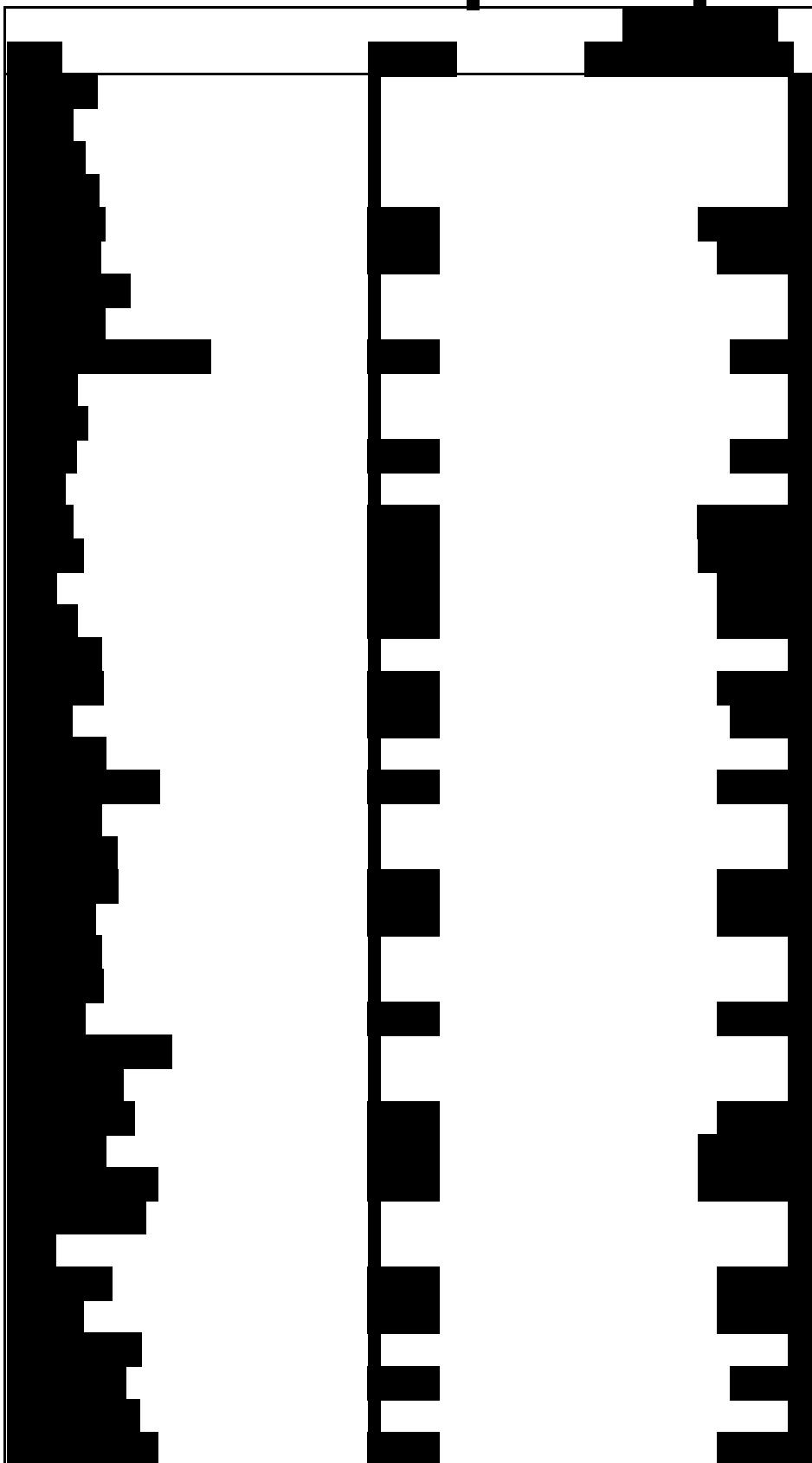
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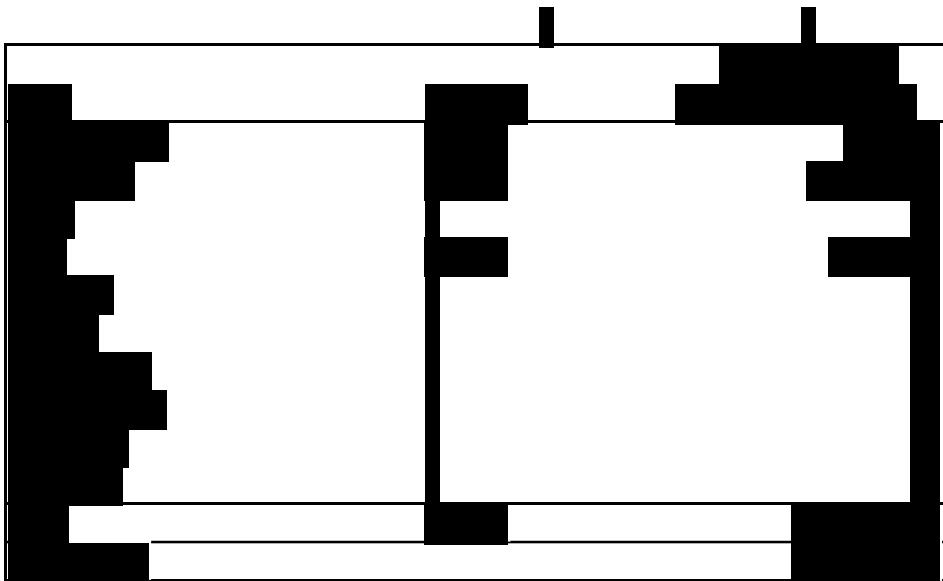
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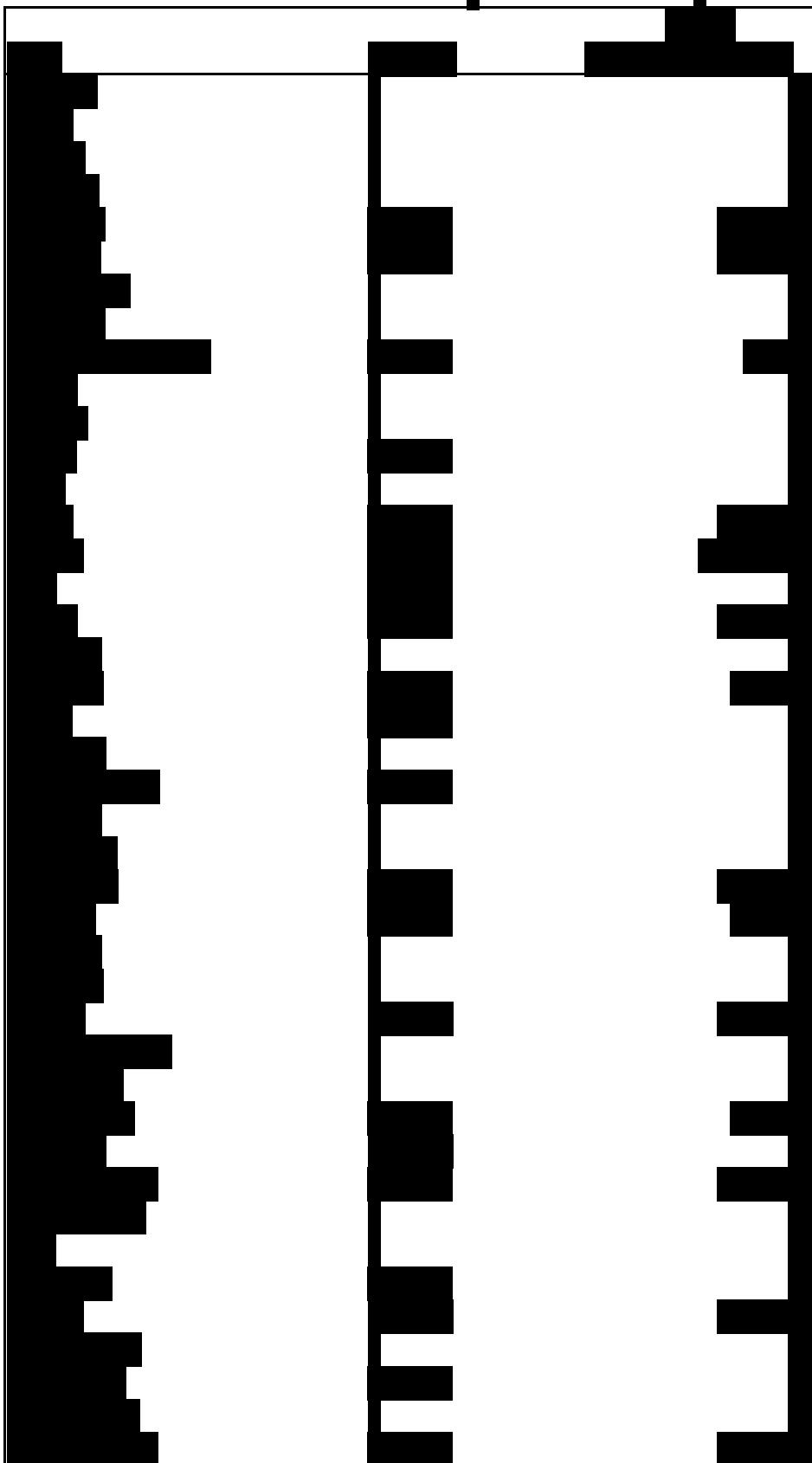


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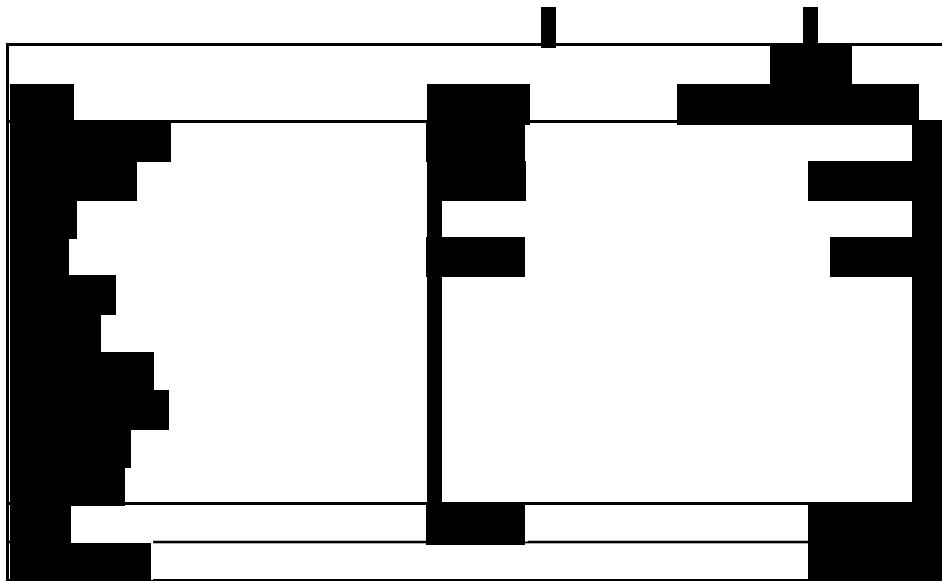


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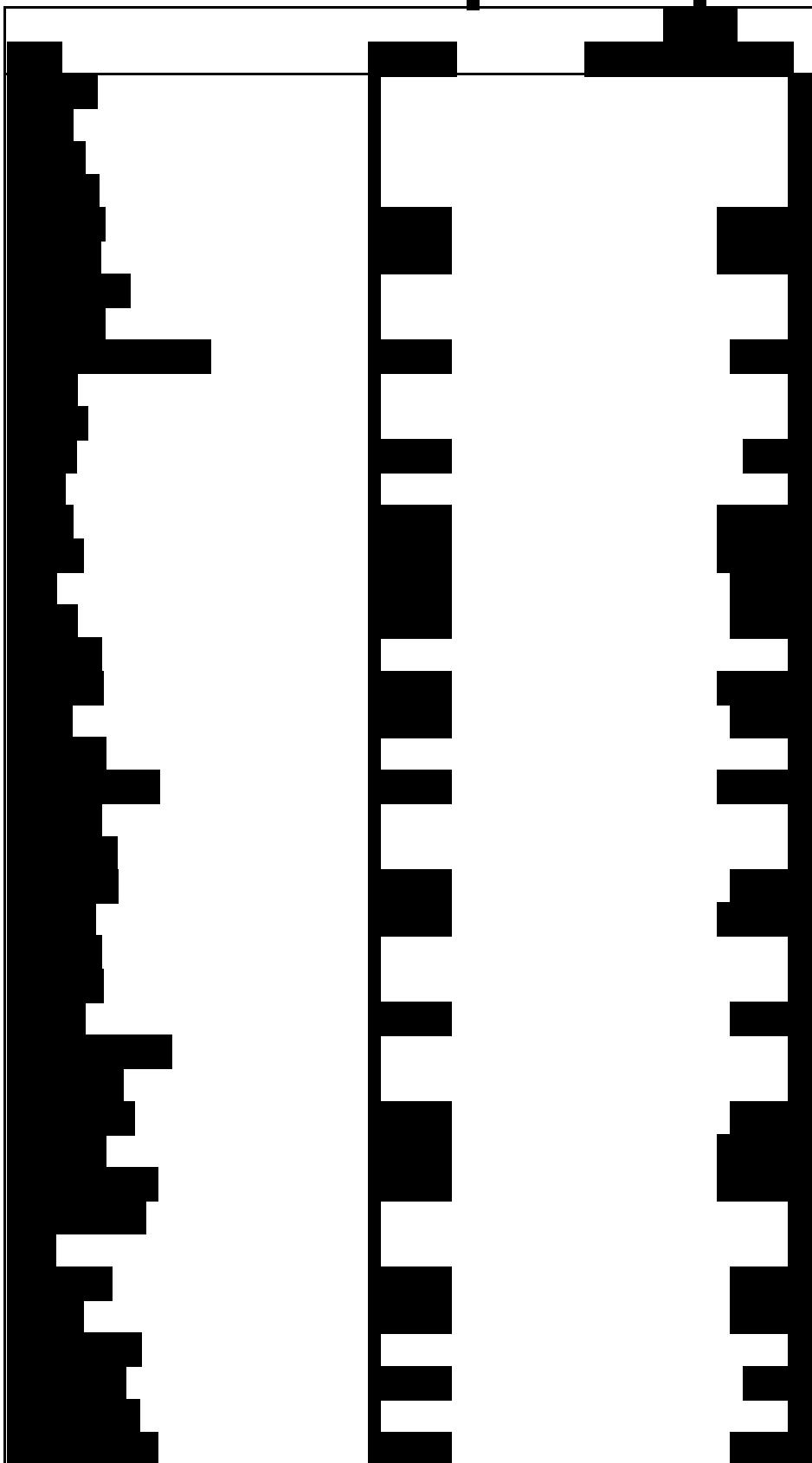
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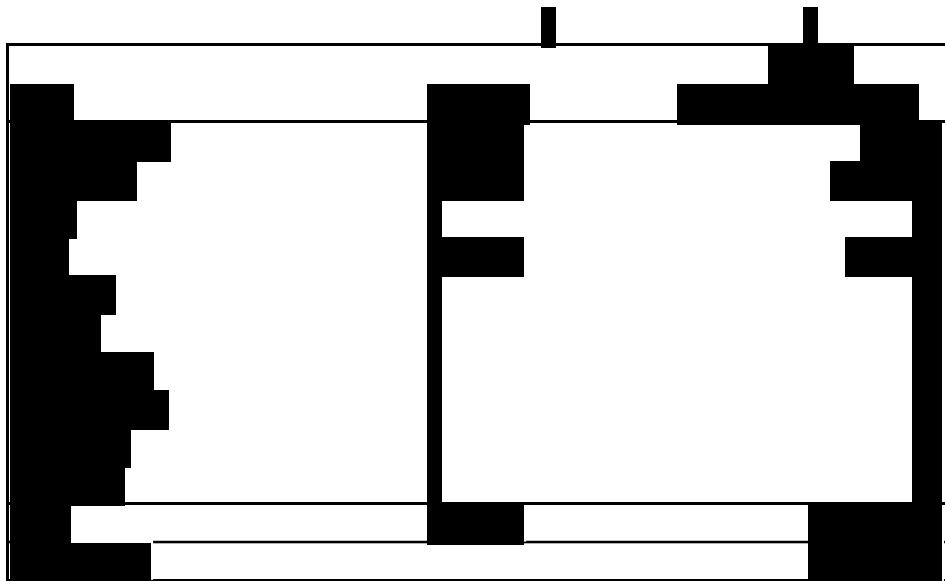
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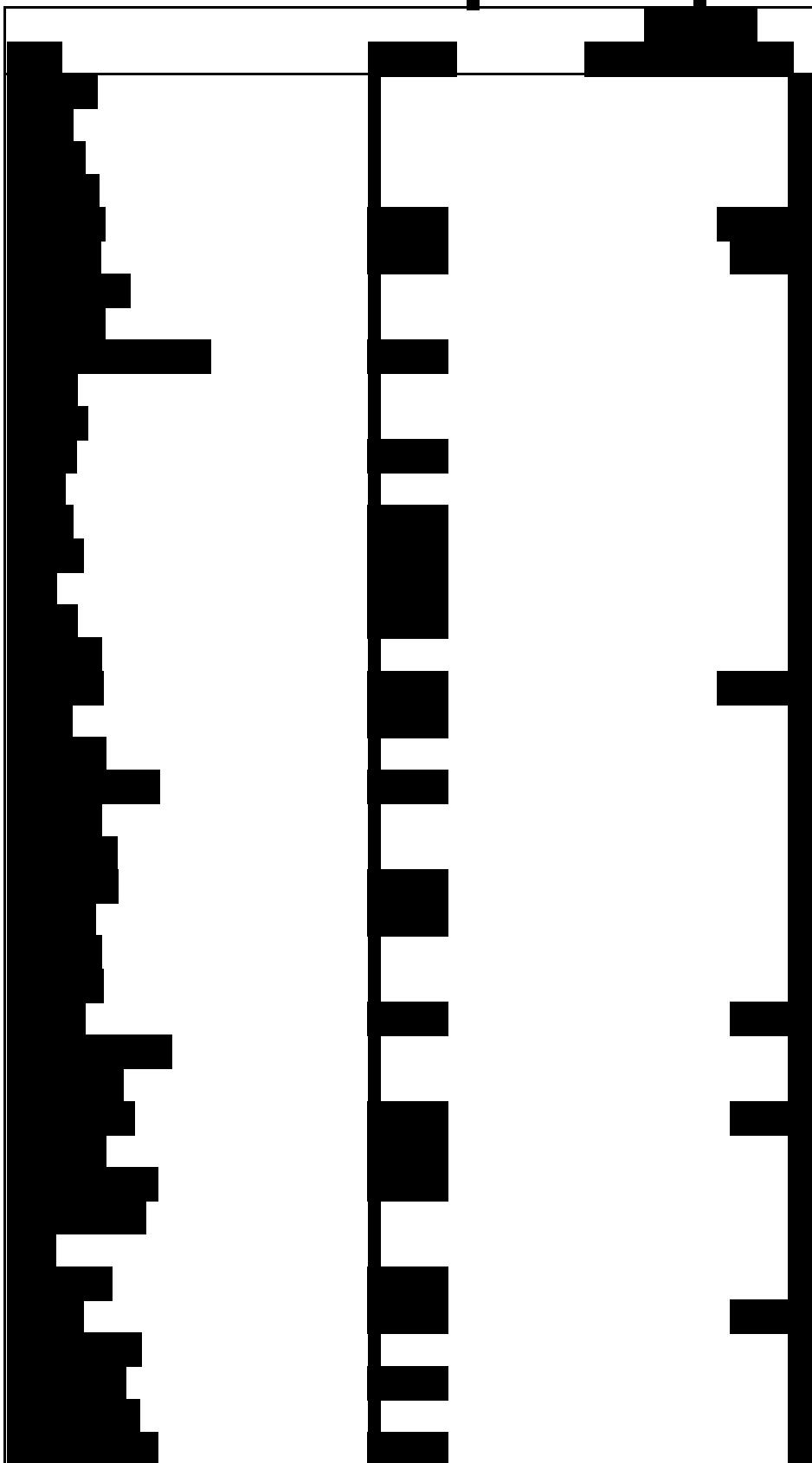


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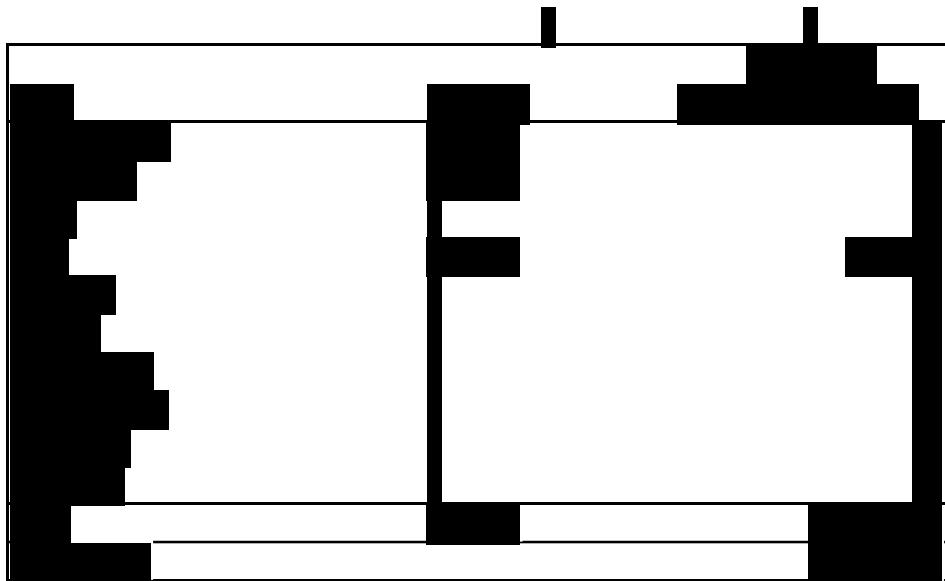


[REDACTED]

Attachment I.9, [REDACTED]



Attachment I.9, [REDACTED]



[REDACTED]